

REMARKS/ARGUMENTS

The Examiner states that the inventions of Groups I and II are related as process of making and product made under M.P.E.P. §806.05(f) and the product can be made without heat treating prior to welding.

However, the criteria of M.P.E.P. §806.05(f) states that (A) the process, as claimed, is not an obvious process of making the product and the process, as claimed, can be used to make other and different products; or (B) the product, as claimed, can be made by another and materially different process. Since the process of Group I and the product of Group II both recite specifically in the process claim 1 of Group I and the product claim 14 of Group II the step of a heat treatment, it is clear that the product, as claimed, is recited as being heat treated prior to welding, in contrast to the assertion by the Examiner. Therefore, since the requirements for restriction of M.P.E.P. §806.05(f) have not been met, it is requested that the claims of Groups I and II be rejoined and examined in the present application.


Further, if the claims of Group II are ultimately found allowable, it is requested that the claims of Group I be rejoined under M.P.E.P. §821.04 and allowed in the present application, also.

Finally, Applicant traverses the restriction requirement on the grounds that thousands of U.S. patents have issued in which many more than two subclasses have been searched, and the Patent and Trademark Office cannot reasonably assert that a burden exists in searching only two subclasses.

Accordingly, for the reasons presented above, it is submitted that the Patent and Trademark Office has failed to meet the burden necessary to sustain the restriction requirement. Withdrawal of the restriction requirement is respectfully requested.

Respectfully submitted,

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